

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No.: 1:09 CR 355
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	
ENA CHURN,	)	<b><u>ORDER ACCEPTING PLEA</u></b>
	)	<b><u>AGREEMENT, JUDGMENT AND</u></b>
	)	<b><u>REFERRAL TO U. S. PROBATION</u></b>
Defendant	)	<b><u>OFFICE</u></b>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On August 12, 2009, the government filed a two-count Indictment, charging Defendant, Ena Churn with Theft of Mail by a Postal Employee in violation of Title 18 United States Code, Section 1709; and Delay of Mail in violation of Title 18 United States Code, Section 1703(b). On September 1, 2009, Defendant Churn was arraigned and entered a plea of not guilty to counts 1 and 2, before Magistrate Judge Kenneth S. McHargh. On September 30, 2009, Magistrate Judge Kenneth S. McHargh, received Defendant Churn's plea of guilty to Count 2 of the Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea

should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Churn is found to be competent to enter a plea and to understand her constitutional rights. She is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Churn is adjudged guilty to Count 2 of the Indictment, in violation of Title 18 United States Code, Section 1703(b). This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on January 5, 2010, at 11:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

October 20, 2009